

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL JACOB OCHOA,

Defendant.

CR-18-52-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
GRANTING MOTION TO
CHANGE PLEA**

Defendant Daniel Ochoa appeared before United States Magistrate Judge John Johnston on January 29, 2019, and entered a plea of guilty to one count of Possession of Possession of a Stolen Firearm. Judge Johnston entered Findings and Recommendations on January 29, 2019. (Doc. 55).

Judge Johnston determined: (1) that Ochoa was fully competent and capable of entering an informed and voluntary plea; (2) that Ochoa was aware of the nature of the charges against him and the consequences of pleading guilty; (3) that Ochoa fully understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty to Count II as charged in the Indictment; and (5) that Ochoa's plea of guilty was a knowing and voluntary plea supported by an

independent basis in fact establishing each of the essential elements of Count II as charged in the Indictment. *Id.* at 1-2.

Judge Johnston recommended that this Court accept Ochoa's plea of guilty to Possession of a Stolen Firearm as charged in the Indictment. *Id.* at 2. Neither party filed objections. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error.

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 55) are **ADOPTED IN FULL**. Ochoa's Motion to Change Plea (Doc. 42) is **GRANTED**.

DATED this 20th day of February, 2019.



Brian Morris
United States District Court Judge